[fols. a-1]

IN SUPREME COURT OF THE DISTRICT OF COLUMBIA

Equity. No. 49014

HENRY I. QUINN, GEORGE J. MUELLER, JR., HENRY ORTH, JR., Caroline S. Orth, Edwin H. Bond, and Rachel R. Bond, Plaintiffs,

vs.

PROCTOR L. DOUGHERTY, SIDNEY F. TALIAFERRO, and WILLIAM B. LADUE, Commissioners of the District of Columbia, Defendants

[Caption omitted]

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

[Title omitted]

AMENDED BILL FOR INJUNCTION—Filed November 5, 1928

The Amended Bill of Complaint of Henry I. Quinn, George J. Mueller Jr., Henry Orth Jr., Caroline S. Orth, Edwin H. Bond, and Rachel R. Bond, respectfully states:

[fol. 2] 1. They are all citizens of the United States, and residents of the District of Columbia, and bring this suit in their own rights as owners of real estate and taxpayers in the District of Columbia, as hereinafter set forth, and also on behalf of other owners of real estate and taxpayers similarly situated who may wish to intervene as co-plaintiffs.

2. The defendants, Proctor L. Dougherty, Sidney F. Taliaferro, and William B. Ladue are all citizens of the United States, and residents of the District of Columbia, and are sued in their official capacities as Commissioners of the District of Columbia by reason of the matters and things hereinafter set forth.

3. Plaintiffs are all taxpayers of the District of Columbia, and are also owners of real estate in the District of

Columbia located in the immediate vicinity of 16th Street and Colorado Avenue Northwest, their respective ownerships being as follows:

Henry I. Quinn, Lot 807, in Square 2714, improved by dwelling occupied by himself and family as their home #1507 Gallatin Street;

George J. Mueller Jr., Lot 32, in Square 2714, improved by dwelling occupied by himself and family as their home #5201 Colorado Avenue;

Henry Orth Jr., Lot 810, in Square 2714, improved by dwelling occupied by himself and family as their home #1510 Hamilton Street;

Caroline S. Orth, Lot 24, in Square 2665, improved by dwelling occupied by her as her home #4821 Colorado Avenue;

Edwin H. Bond and Rachel R. Bond, Lot 22, in Square 2714, improved by dwelling occupied by them as their home #1516 Hamilton Street.

All of the said homes of the plaintiffs are high-class and wholly detached residences.

4. Each and all of the said Lots, and all other Lots in the vicinity of 16th Street and Colorado Avenue Northwest, are now, and have been continuously since the first zoning by the Zoning Commission of the District of Columbia under the Act of Congress approved March 1, 1920, duly zoned as "Residential" in the said Commission's division [fol. 3] of the District of Columbia into different Use Districts, pursuant to Section II of its Zoning Regulations duly adopted providing, under the title "Use Districts," as follows:

"In order to regulate the location of commerce, business, trades, and industries, and the location of all buildings designed or occupied for specified uses, the District of Columbia is hereby divided into use districts, of which there shall be four known as:

(a) Residential.
(b) First Commercial.
(c) Second Commercial.
(d) Industrial.

These districts are shown upon the map attached hereto, designated as the 'Use Map.'

Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the use district in which such building or premises is located."

Nowhere in said Zoning Regulations is a fire engine house permitted in a Residential District, although it is permitted in the other Use Districts, namely, First Commercial, Second Commercial, and Industrial. Not only is each of plaintiffs' said real estate located in a wholly Residential Use District, as aforesaid, but in the first and highest grade or class thereof denominated in said Zoning Regulations as "'A' Restricted-Area District" in which erections or alterations are permitted—

"for use only as a wholly detached single-family dwelling with two side yards, church, school, or passenger station,"

as expressly provided in Section XVa of said Zoning Regulations.

5. In the immediate vicinity of the said real estate owned by the plaintiffs as aforesaid lies the world famous Rock Creek Park, established under Act of Congress of February 27, 1890, which Act expressly declared the land taken and condemned for such purpose to be—

"perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people [fol. 4] of the United States, to be known by the name of Rock Creek Park."

Said Rock Creek Park has been actually established and in continuous use as such for more than a quarter of a Century, and includes, and has always included, as an integral part of it, the land at the northwest corner of 16th Street and Colorado Avenue Northwest. Said land at said northwest corner of 16th Street and Colorado Avenue Northwest is less than 100 feet away from the home of plaintiff Caroline S. Orth aforesaid, less than 200 feet away from the home of plaintiffs Edwin H. Bond and Rachel R. Bond aforesaid, about 225 feet away from the home of plaintiff George J. Mueller, Jr., about 300 feet away from the home of plaintiff Henry Orth, Jr., and about 300 feet away from

the home of plaintiff Henry I. Quinn. The said portion of Rock Creek Park located at said northwest corner of 16th Street and Colorado Avenue, Northwest, as also the other land taken for the establishment of said Rock Creek Park, under the said Act of Congress, was acquired by and through condemnation proceedings instituted against the private owners of the land, and the title was taken subject to the trust aforesaid to set apart the land so taken "perpetually" "as a public park or pleasure ground," and subject to the easements thereby created and arising in behalf of the lands in the vicinity, including those now owned by these plaintiffs, and the consequent inability of the Governmental authorities to disregard the said trust and apply the lands constituting Rock Creek Park, or any portion thereof, to any other use at any time, unless by and through special condemnation proceedings to take and apply the land for a different use, which would require compensation to these plaintiffs for their easements aforesaid in consequence of the trust aforesaid.

6. The predecessor in title of these plaintiffs in the ownership of plaintiffs' aforesaid real estate at the time of the condemnation aforesaid for said Rock Creek Park, namely, Harriet S. Mathewson, was a party to said condemnation proceedings in respect of a tract of land owned by her a portion of which was taken for said Rock Creek Park and [fol. 5] the compensation awarded her for such portion took into consideration the trust aforesaid creating the easements aforesaid in behalf of the remainder of the tract, including the parts of said tract since acquired, and now owned, by these plaintiffs, through mesne conveyances from said Harriet S. Mathewson.

7. All of the plaintiffs established their homes aforesaid in reliance upon the Zoning Law and Regulations aforesaid, and also upon their right to the perpetual devotion of said Rock Creek Park, and every part thereof, to the purposes of the trust expressly declared in the aforesaid Act of Congress of February 27, 1890. Moreover, although one of the plaintiffs, namely, George J. Mueller, Jr., acquired his said home as an already completed structure, all of the other plaintiffs actually built their homes in reliance as aforesaid.

8. Notwithstanding, and in disregard of, the foregoing rights of these plaintiffs, the defendants are actually preparing to erect a fire engine house at the said northwest corner of 16th Street and Colorado Avenue on a portion of said Rock Creek Park. The architectural plans therefor have been completed, and advertising for bids has already taken place. In fact, said defendants are determined to make as much progress as possible upon such unwarranted and improper undertaking in advance of the convening of Congress, and thereby make it appear inexpedient to Congress to take the interfering action in the premises which may reasonably be expected of Congress upon this matter being called to its attention, as member- of both branches of Congress are prepared to do.

9. The defendants invoke, as their only claimed justification, for what they are planning to do as aforesaid, the following provision in the District of Columbia Appropriation Act of Congress of May 21, 1928, namely:

"The Commissioners of the District of Columbia are hereby authorized and directed to sell the property at the corner of Sixteenth and Webster Streets, heretofore acquired for a fire engine house site at public or private sale at not less than the purchase price paid therefor by the District of Columbia and pay the proceeds thereof into the Treasury of the United States, to the credit of the District of Columbia;

[fol. 6] And the Commissioners are hereby authorized and directed to erect a fire engine house, with furniture and furnishing for a fire engine company, at the northwest corner of Sixteenth Street and Colorado Avenue, on property belonging to the United States, and there is hereby set aside for such purpose a plot of ground running north from the junction of Sixteenth Street and Colorado Avenue, as now publicly owned, one hundred (100) feet on Sixteenth Street, thence west at right angles to the street, one hundred and sixty feet (160), thence south at right angles to the line of Colorado Avenue. The balance of the appropriations carried in the Acts of May 10, 1926, and March 2, 1927, for an engine house in the vicinity of Sixteenth Street and Piney Branch Road Northwest, is made available for the purpose aforesaid."

The last-quoted paragraph was inserted in said Appropriations Act by amendment submitted, for the first time, on May 17, 1928, in the last rush days of the First Session of the 70th Congress, and without the Members of either the Senate or the House knowing, or having their attention called in anywise to, the fact that the amendment was intended to divert a part of Rock Creek Park from Park purposes to general municipal purposes, nor was any opportunity afforded to call to the attention of the Members of either the Senate or the House the trust aforesaid attached to said Rock Creek Park by reason of the express provisions of the aforesaid Act of February 27, 1890.

10. The peace and quiet of plaintiffs' said homes will be seriously, continuously, and irreparably disturbed and interfered with, if the said engine house, with the noises necessarily incident to its conduct and operation, be permitted to be placed in such immediate vicinity of plaintiffs' said homes. Moreover, the desirability of plaintiffs' said properties for first class residence purposes will be greatly lessened, if not altogether lost, and the value of the same greatly depreciated and to an amount that cannot be accurately measured and determined, if the placing of said engine house be permitted to proceed.

11. The plaintiffs are advised, and therefore aver, that they have no adequate remedy except by injunction to protect and enforce their rights in the premises. They [fol. 7] are further advised and aver that their rights are as follows:

1. To have the defendants restrained and enjoined in the first instance for such reasonable time as will enable the Congress of the United States to correct the mistake aforesaid into which it was led, and inadvertently fell, in the closing days of the First Session of the 70th Congress, to the end not only that plaintiffs' rights may be protected but the taxpayers may be saved the inexcusable waste of public funds necessarily involved in the unseemly attempt of the defendants just before the reconvening of Congress to take the action contrived by them as aforesaid.

2. In the event that Congress may not itself correct its mistake aforesaid, then that the Court shall adjudge and determine (a) that the defendants can claim no protection

from the aforesaid provision in the said Appropriations Act, because it is of no force or effect to deprive the plaintiffs of their rights and easements derived under and by virtue of the aforesaid Act of February 27, 1890, and also (b) that the aforesaid provision in said Appropriations Act is also of no force or effect to deprive the plaintiffs of their rights as aforesaid under the Zoning Law and Regulations, and that the location of a fire engine house so near to plaintiffs' said homes would be such an arbitrary and unreasonable act as not to comport with the necessary requirements of the situation in dealing with a Zoning Law, which Congress itself is bound to respect until the same shall be repealed altogether by Congress.

Wherefore, the premises considered, plaintiffs pray:

1. That process issue against the defendants, and each of them, requiring them to answer the exigencies of this amended bill of complaint, but not under oath, answer under oath being hereby expressly waived.

2. That the defendants, and each of them, be restrained pendente lite, and permanently, from erecting, or causing to be erected, a fire engine house upon the plot of ground referred to in this amended bill of complaint.

[fol. 8] 3. And for such other and further relief as the nature of the case may require and to the Court may seem proper.

Henry I. Quinn, George J. Mueller, Jr., Henry Orth, Jr., Caroline S. Orth, Edwin H. Bond, Rachel R. Bond, Plaintiffs, by Burkart & Quinn, Henry I. Quinn, Geo. E. Sullivan, Their Attorneys.

Duly sworn to by Henry I. Quinn. Jurat omitted in printing.

IN SUPREME COURT OF DISTRICT OF COLUMBIA

ANSWER TO AMENDED BILL FOR INJUNCTION—Filed June 28, 1929

* * * * * * *

Come now the defendants, Proctor L. Dougherty, Sidney F. Taliaferro and William B. Ladue, Commissioners of the

District of Columbia, and for answer to the amended bill for injunction heretofore filed herein, answering, say:

1-4. That they admit the allegations contained in paragraphs one, two, three and four of said amended bill for injunction.

5. Defendants admit that Rock Creek Park lies in the vicinity of the real estate owned by plaintiffs. They admit that, among other things, the Act of Congress, approved [fol. 9] February 27, 1890, contains the language quoted in paragraph five of said amended bill. Defendants admit that Rock Creek Park has been actually established and in continuous use as such for more than a quarter of a century and includes and has always included the land at the northwest corner of Sixteenth Street and Colorado Avenue, Northwest. Defendants admit that the land at said northwest corner of Sixteenth Street and Colorado Avenue is less than one hundred feet away from the home of plaintiff Orth, less than two hundred feet away from the home of plaintiff Bond, about two hundred and twenty-five feet away from the home of plaintiff Orth, Jr., and about three hundred feet away from the home of plaintiff Quinn. Defendants admit that the land taken from the portion of said park at the northwest corner of Sixteenth Street and Colorado Avenue was acquired by condemnation proceedings; but defendants say that whether the title was taken subject to any trust to set apart the land taken as a public park or pleasure ground, or whether title was taken subject to any easements created or arising in behalf of the lands in the vicinity, or whether the government authorities were or were not able to disregard such trust (if any trust existed) and apply the lands constituting Rock Creek Park to any other use, or whether compensation would be required for the application of such park to any use, are all conclusions of law and require no answer from these defendants.

6. That defendants have no knowledge of whether Harriet S. Mathewson was predecessor in title of plaintiffs' property and therefore can neither admit nor deny the same, but if such be material demand strict proof thereof. As to whether the compensation awarded said Mathewson

for the land taken for Rock Creek Park took into consideration any trust or easement in behalf of the remainder of the tract, these defendants are advised that such allegation is a matter of law and requires no answer from them.

7. Defendants have no knowledge of whether plaintiffs established their homes in reliance upon the zoning laws and regulations or upon the right to the perpetual devotion of Rock Creek Park to the purpose of any trust as is in paragraph seven of said amended bill alleged, but defendants deny the materiality of such allegations. On the other [fol. 10] hand, should such facts be deemed material, defendants demand strict proof thereof.

8. Defendants admit some of the allegations of paragraph eight of said amended bill but deny that they are acting in disregard of any of plaintiffs' rights and deny that such undertaking is unwarranted or improper, but say that said acts are being undertaken under the provisions of an Act of Congress approved May 21, 1928.

9. Defendants admit the allegations of paragraph nine of said amended bill, except those contained in the concluding sentence thereof. Defendants say that they have no knowledge of the matters and things set forth in said concluding sentence and therefore can neither admit nor deny the same, but they are advised and therefore aver that the allegations in said concluding sentence are immaterial and require no answer from them.

10. Defendants deny that the peace and quiet of plaintiffs' homes will be seriously, continuously, or irreparably disturbed or interfered with if an engine house is placed as authorized by said Act of Congress, and defendants say that any depreciation in value or desirability of plaintiffs' property, if any there be, is, as a matter of law damnum absque injuria.

11. Answering paragraph eleven of said bill, defendants are advised that the allegations in said paragraph contained comprise conclusions of law and arguments and require no answer from them.

Further answering said bill defendants say that they intend to erect an engine house on property belonging to the United States at the Northwest corner of Sixteenth Street and Colorado Avenue, and that their endeavor to carry out such undertaking is by virtue of the authority contained in the Act of Congress approved May 21, 1928, which provides:

"The Commissioners of the District of Columbia are hereby authorized and directed to sell the property at the corner of Sixteenth and Webster Streets, heretofore acquired for a fire engine house site at public or private sale at not less than the purchase price paid therefor by the District of Columbia, and pay the proceeds thereof into the Treasury of the United States, to the credit of the District of Columbia.

[fol. 11] And the Commissioners are hereby authorized and directed to erect a fire engine house, with furniture and furnishing for a fire engine company, at the northwest corner of Sixteenth Street and Colorado Avenue, on property belonging to the United States, and there is hereby set aside for such purpose a plot of ground running north from the junction of Sixteenth Street and Colorado Avenue, as now publicly owned, one hundred (100) feet on Sixteenth Street, thence west at right angles to the street, one hundred and sixty feet (160), thence south at right angles to the line of Colorado Avenue. The balance ofthe appropriations carried in the Acts of May 10, 1926, and March 2, 1927, for an engine house in the vicinity of Sixteenth Street and Piney Branch Road Northwest, is made available for the purpose aforesaid."

And now having fully answered, these defendants pray that the bill be dismissed and that they be discharged hence with their costs in this behalf incurred.

Proctor L. Dougherty, Sidney F. Taliaferro, Commissioners of the District of Columbia.

Duly sworn to by Proctor L. Dougherty et al. Jurat omitted in printing.

[fol. 12] In Supreme Court of District of Columbia

Stipulation—Filed March 5, 1930.

* * * * * * *

It is hereby stipulated and agreed by and between the respective parties hereto, through their counsel, as follows:

1. The averments of paragraph six of the amended bill herein are hereby agreed to be true and correct in all matters of fact, but the ultimate question of whether the compensation awarded Harriet S. Mathewson took into consideration a trust creating easements in behalf of the remainder of the tract not taken in the Rock Creek Park condemnation is recognized by all parties hereto to involve a matter of law.

2. Although the defendants do not admit the materiality of the averments contained in paragraph seven of the amended bill, nor do they admit that there was any basis in law for the belief in and reliance upon the Zoning Laws and Regulations, and the Rock Creek Park Act, by the plaintiffs, defendants do not question that plaintiffs acted in reliance upon plaintiffs' supposed rights as claimed in said paragraph.

3. The defendants admit the averments of paragraph nine of the amended bill, reserving their objection, however, to the materiality of the matters averred in the last sentence of said paragraph.

4. The averments of paragraph ten of the amended bill shall not be construed as alleging that there is any plan or any purpose of subjecting plaintiffs' homes to any noises except such as are necessarily incident to the normal and usual conduct and operation of an engine house, and it is agreed that the question of how far the peace and quiet of plaintiffs' homes will be disturbed and interfered with in consequence thereof, constitutes wholly a matter of law.

Henry I. Quinn, Geo. E. Sullivan, Attorneys for Plaintiffs. William W. Bride, Alex. H. Bell, Jr., Attorneys for Defendants.

[fol. 13] IN SUPREME COURT OF DISTRICT OF COLUMBIA

FINAL DECREE FOR INJUNCTION—Filed March 5, 1930

* * * * * * *

This cause coming on to be tried upon the pleadings and the stipulation filed herein, and upon such evidence, if any, as either party should desire to offer and none such being adduced, and counsel for the respective parties having been fully heard, it is this 5" day of March, 1930, adjudged, ordered and decreed that the defendants, Proctor L. Dougherty, Sidney F. Taliaferro and William B. Ladue, Commissioners of the District of Columbia, and their successors in office, be, and they are hereby, permanently enjoined from erecting or causing to be erected a Fire Engine House upon the plot of ground located at the Northwest corner of 16th Street and Colorado Avenue, N. W., in the District of Columbia as more particularly described in the said amended Bill of Complaint;

And it is further adjudged and decreed that the plaintiffs recover of the defendants their costs herein to be taxed by the Clerk.

Alfred A. Wheat, Justice.

Appeal noted by all defendants.

Alex. H. Bell, Jr., Assistant Corporation Counsel, Attorney for Defendants. Alfred A. Wheat, Justice.

IN SUPREME COURT OF DISTRICT OF COLUMBIA

ASSIGNMENT OF ERRORS—Filed April 12, 1930

* * * * * * *

Now come the defendants, by their counsel, and assign for error:

1. The action of the Court in granting a decree for the plaintiffs.

[fol. 14] 2. The action of the Court in holding that the Commissioners can not locate the Engine House upon property belonging to the United States.

3. The action of the Court in holding that the defendants were without authority to locate the Engine House upon the site designated by Congress.

4. The action of the Court in enjoining the defendants from erecting an Engine House at the northwest corner of Sixteenth Street and Colorado Avenue; as described in the amended bill.

William W. Bride, F. H. Stephens, Attorneys for Defendants.

In Supreme Court of District of Columbia

Designation of Record—Filed March 19, 1930

* * * * * * *

Now come Proctor L. Dougherty, Sidney F. Taliaferro and William B. Ladue, Commissioners of the District of Columbia, and appellants in the above entitled cause and designate the parts of the record which they desire to have included in the transcript, said parts being considered sufficient for the determination of the questions raised on appeal, namely:

1. Amended bill for injunction.
2. Answer to amended bill for injunction.
3. Stipulation.
4. Final decree granting injunction.

Together with a copy of this designation.

March 19, 1930.

William W. Bride, Corporation Counsel, D. C.; Alex. H. Bell, Jr., Assistant Corporation Counsel, D. C., Attorneys for Appellants.

Service of the above this day acknowledged.

Henry I. Quinn, Geo. E. Sullivan, by H. I. Q., Attorneys for Appellees.

[fol. 15] Clerk's certificate to foregoing transcript omitted in printing.

Friday, November 6th, A. D. 1931.

* * * * * * *

No. 5230

LUTHER H. REICHELDERFER, HERBERT B. CROSBY, and JOHN C. GOTWALS, Commissioners of the District of Columbia, Appellants,

v.

HENRY I. QUINN, GEORGE J. MUELLER, JR., HENRY ORTH, JR., et al.

The above entitled cause was submitted to the consideration of the Court on the printed record and briefs filed herein by Messrs. William W. Bride and Robert E. Lynch, attorneys for the appellants, and by Messrs. Henry I. Quinn and George E. Sullivan, attorneys for the appellees.

(Mr. Justice Van Orsdel did not sit in this case.)

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

No. 5230

LUTHER H. REICHELDERFER, HERBERT B. CROSBY, and JOHN C. GOTWALS, Commissioners of the District of Columbia, Appellants,

v.

HENRY I. QUINN, GEORGE J. MUELLER, JR., HENRY ORTH, JR., et al., Appellees

Appeal from the Supreme Court of the District of Columbia

Submitted November 6, 1931. Decided Dec. 7, 1931

William W. Bride and Robert E. Lynch, of Washington, D. C., attorneys for appellants.

Henry I. Quinn and George E. Sullivan, of Washington, D. C., attorneys for appellees.

(Before Martin, Chief Justice, and Robb, Hitz, and Groner, Associate Justices)

Per Curiam:

It is agreed by counsel that the issue presented in this appeal and also the parties involved are identical with those appearing in Quinn et al. v. Dougherty et al., Commissioners of the District of Columbia, decided by this court January 7, 1929, 58 App. D. C. 339. It is only necessary now to say that, consistently with our decision in the former case, we affirm the decree of the lower court herein appealed from.

Affirmed.

A true copy. Test:

—— ——, Clerk, Court of Appeals, D. C.

Monday, December 7th, A. D. 1931.

* * * * * * *

October Term, 1931

No. 5230

Luther H. Reichelderfer, Herbert B. Crosby, and John C. Gotwals, Commissioners of the District of Columbia, Appellants,

v.

Henry I. Quinn, George J. Mueller, Jr., Henry Orth, Jr., et al.

Appeal from the Supreme Court of the District of Columbia. This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

Per Curiam, December 7, 1931.

(Mr. Justice Van Orsdel took no part in the consideration or decision of this case.)

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

No. 5230

LUTHER H. REICHELDERFER, HERBERT B. CROSBY, and JOHN C. GOTWALS, Commissioners of the District of Columbia, Appellants,

v.

HENRY I. QUINN et al.

DESIGNATION OF RECORD

The Clerk of the Court of Appeals will please include the following on petition for Writ of Certiorari to the Supreme Court of the United States in the Designation of Record in this case:

(1) The printed record in the Court of Appeals.
(2) Argument of cause.
(3) Opinion of the Court.
(4) Judgment.
(5) This designation of record.

William W. Bride, Corporation Counsel, D. C.; Vernon E. West, Principal Assistant Corporation Counsel; Robert E. Lynch, Assistant Corporation Counsel, Attorneys for Appellants.

Service of a copy of the above Designation of Record acknowledged this 11 day of December, 1931.

Henry I. Quinn, Geo. E. Sullivan, Attorneys for Appellees.

Endorsed: No. 5230. Luther H. Reichelderfer, Herbert B. Crosby, John C. Gotwals, Commissioners of the District of Columbia, Appellants, v. Henry I. Quinn, et al. Designation of Record. Court of Appeals, District of Columbia. Filed December 11, 1931. Henry W. Hodges, Clerk.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

I, Henry W. Hodges, Clerk of the Court of Appeals of the District of Columbia, do hereby certify that the fore-

going printed and typewritten pages numbered from 1 to 19, inclusive, constitute a true copy of the transcript of record and proceedings of the said Court of Appeals as designated by counsel in the case of Luther H. Reichelderfer, Herbert B. Crosby and John C. Gotwals, Commissioners of the District of Columbia, Appellants, vs. Henry I. Quinn, George J. Mueller, Jr., Henry Orth, Jr., et al., No. 5230, October Term, 1931, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court of Appeals, at the City of Washington, this 12th day of December, A. D. 1931.

Henry W. Hodges, Clerk of the Court of Appeals of the District of Columbia. (Seal Court of Appeals, District of Columbia.)

[fol. 21] SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed April 11, 1932

The petition herein for a writ of certiorari to the Court of Appeals of the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Endorsed on cover: File No. 36,543. District of Columbia Court of Appeals. Term No. 9. Luther H. Reichelderfer, Herbert B. Crosby, and John C. Gotwals, Commissioners of the District of Columbia, petitioners, vs. Henry I. Quinn, George J. Mueller, Jr., Henry Orth, Jr., et al. Petition for a writ of certiorari and exhibit thereto. Filed February 24, 1932. File No. 36,543.